

Frequently Asked Questions: Residential Trespassing Problems

Q: Can I file a trespass letter for a private, single family residential property?

A: Yes, a Trespass Authorization Letter can be filed for private, unoccupied homes so long as they are posted with a “no trespassing” or “closed to the public” sign.

Q: What if I leave my home and go on an extended trip – could I file a trespass letter for the time I will be absent from my property?

A: Yes, however, the most effective approaches to protecting your home can be found [here](#). A trespass letter may also be a good idea if you have suffered trespass and vandalism problems at your home residence in the past.

Q: Are there any additional requirements for filing a Trespass Authorization Letter for a residential property?

A: Yes there are. If you want to file a letter for a residential property you are also required to: 1) verify the last date that you monitored the property to ensure it was vacant; 2) notify the City when the property is sold, rented or vacated by sending an e-mail to [Angela Gaines](#); and 3) respond to the scene if so requested by a responding police officer. Also, like commercial properties, your home must be posted “no trespassing” or “closed to the public” sign.

Q: Why are there additional requirements for filing a Trespass Authorization Letter for a residential property?

A: The additional requirements are necessary because this information assists the officer in enforcement of the letter.

Q: Why would I be required to respond to the address of the location if I have already filed a Trespass Authorization Letter for a residential property?

A: Because the residential property scenario is much more complicated than a vacant industrial property, you may be required to respond to the location to assist the officer in verifying the trespass. With your physical presence it is much easier for an officer to assess the facts at the address and issue a citation under the letter. Also, if the officer declines to arrest the trespassing party you have the right to request that a citizen’s arrest citation be issued, which you cannot do if you are not physically present at the address.

Please bring any documents with you that you believe verify your ownership of the property or your representation of the ownership of the property. Such documents can include a lease, a deed, and a listing or management agreement with the owner.

Q: What if there are squatters inside the vacant residential property?

A: This is where the concepts of trespass cross over into tenancy rights law. California courts

will not use the criminal process to skip over the eviction process even if the tenancy is acquired by trespassing, squatting or fraud. Even in the limited circumstances where an on-site arrest may be appropriate, a court order returning possession to the lawful owner is required. Therefore, in addition to the criminal process, you will have to file a civil unlawful detainer action against the responsible party. Please contact the San Diego Bar Association to obtain a referral to an unlawful detainer attorney in your area at (1-800-464-1529).

Q: Will the police arrest any squatter who is inside the vacant residential property and remove them from the residence?

A: Every situation is different but generally entry and arrest into a home requires a warrant; absent a warrant the police will not enter the home to arrest and remove a squatter who resides in the property. In addition, the San Diego County Sheriff's Department, and not the Chula Vista Police Department, is the agency authorized to enforce civil eviction orders.

Q: What happens if I file a trespass letter with regard to a residential property, I call the police to enforce the letter, and then the trespassing party has documents that dispute my ownership of the property?

A: Patrol officers are not generally qualified to resolve complicated title or ownership disputes in the field – their first priority in responding is to preserve the peace. The police will respond as time and resources allow and may document the dispute through a miscellaneous report. But because the trespassing party has documents (fraudulent or otherwise) that could be the basis for an ownership claim there is no willful intent to trespass, so a citation will likely not be issued in this situation absent other circumstances. However, if you believe that criminal real estate fraud is being perpetrated upon you, please phone the Chula Vista Police Department at (619-691-5151) and request to speak with a detective in the property crimes division. You may also call the District Attorney Real Estate Fraud Unit at (619-531-3552). And if you are at the property when the officer arrives and contend you are the true owner (or represent the true owner) you can always request that a citizen's arrest be processed for a trespass violation. A citizen's arrest requires you to sign the citation and to promise to appear at the court hearing.

Q: I still have questions - who should I contact?

A: Please contact [Angela Gaines](#).